

From: Phillips, Gilbert L NWW
Sent: Tuesday, May 07, 2013 2:47 PM
To: (b) (6)
Subject: RE: NPDES General Permit for Small Scale Suction Dredge Mining in Idaho:
(UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Mr. Smith:

I have discussed your issue with EPA and you are right the General Permit will not apply for your mining operation. It appears you will need to apply to EPA for an Individual NPDES Permit (IP) for your activity. My understanding is that EPA will be contacting you to discuss the application/permitting procedures and requirements.

EPA has the lead for recreational suction dredging in Idaho under the Clean Water Act. If after review of the your IP application by EPA it is determined that there is a Section 404 component (Corps jurisdiction under the Clean Water Act), then the Corps would coordinate the permitting process with EPA.

Leroy Phillips
Deputy Chief Regulatory Division
Walla Walla District
208-376-1832

-----Original Message-----

From: (b) (6)
Sent: Friday, May 03, 2013 9:13 AM
To: Phillips, Gilbert L NWW
Subject: NPDES General Permit for Small Scale Suction Dredge Mining in Idaho

Mr. Leroy Phillips,
Dear Sir,

My name is Don Smith and I am an Idaho dredger. I am contacting you to find out your position on the NPDES General Permit for Small Suction Dredge Mining in Idaho. I am not eligible for this permit as the EPA considers the river in which I work to be prohibited status due to a designation for critical habitat for steelhead. I would need an initiating agency to apply, but the State of Idaho can't be that initiating agency as they aren't federal. I will need an individual permit. The problem is that the EPA form for the individual permit to dredge in closed waters doesn't seem to exist. I do know that the Corps has had some experience in trying to comply with the EPA. I also understand that the EPA may issue a permit to mitigate a discharge, but may not dictate when and where that discharge takes place. Also, the "dredged spoils" language in the Clean Water Act is in reference to reclamation dredging which is specifically an Army Corps of Engineers activity. In other words, because small scale suction dredging is a de minimus activity, the Clean Water Act does not apply. Thank you for your time, and please respond,

Don Smith

(b) (6)

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